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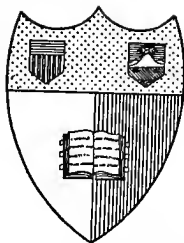
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**RECORDS FOR THE EARLY HISTORY  
OF SOUTH AFRICA**



HELPS FOR STUDENTS OF HISTORY, No. 42

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# RECORDS FOR THE EARLY HISTORY OF SOUTH AFRICA

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# RECORDS FOR THE EARLY HISTORY OF SOUTH AFRICA

THE records available for the early history of the four Provinces which make up the Union of South Africa are preserved in the capital of each Province—namely, Capetown, Pretoria, Pietermaritzburg, and Bloemfontein. By far the largest and most important are those at Capetown, as they relate to the days of the establishment of a refreshment station at the Cape by the Dutch East India Company in 1652, and continue until nearly two centuries after, at which time the other States which now form the Union first came into being. It may not be out of place to outline briefly the history of South Africa up to the date of union in 1910.

The Cape of Good Hope had been visited from the fifteenth century onwards by various ships of the Portuguese, English, and Dutch nations in order to obtain refreshments. In 1651 the Dutch East India Company decided to form a permanent station on the shores of Table Bay, and sent out a small fleet under the command of Jan van Riebeeck to carry out this object. He arrived here in April, 1652, and according to his instructions built a small fortress to protect his men from the natives and wild animals in Table Valley. He also laid out a large garden and grew vegetables and fruit. The one and only

object in taking possession of the land was to have a place where the various fleets sailing to and from the Indies could obtain fresh meat, vegetables, and water; so very necessary to the many scurvy-stricken crews that arrived from time to time. In course of time the company undertook to supply these wants through the energies of its own servants, but this was found to be expensive and unsatisfactory. By the end of the seventeenth century it had abandoned its farming operations, and these were undertaken by the burgher community. The latter were men who, having completed the term of service, had been discharged from their company, and granted land in freehold to cultivate and carry on farming. To their number were added from time to time batches of immigrants, amongst whom were those of Dutch, German, and French nationality. In 1688 and for some years after several parties of French refugees arrived and greatly added to the pursuits of viticulture, agriculture, and the making of wine, brandy, and vinegar. The gradual prosperity of the country during the early years of the eighteenth century greatly developed the agricultural undertakings, and the colony became a good grain, meat, and wine producing country. The primary intention of the company to maintain this place purely as a refreshment station was thus gradually lost.

The Dutch East India Company was managed in Holland by a directorate commonly known as the Seventeen. At Batavia, its principal town in the island of Java, in the East Indies, resided the Governor-General, who controlled all the substations of the company, such as the Cape, Ceylon, etc. These substations in turn were directed by a

Governor, and in some smaller places by a Commander. Each one in succession was subservient to the authority of the official immediately above him. At first the Cape communicated with the Seventeen through the Governor-General in Batavia, but later on, owing to its geographical situation, it corresponded direct with the former, keeping, however, in touch with Batavia. In 1795 the Cape capitulated to the British forces, and remained an English colony until handed over to the Batavian Republic in 1803 in terms of the Treaty of Amiens, signed in the previous year. In one of its early proclamations, issued in 1803 by the new-comers, the people of the Cape were informed that "it is the will of the Batavian people that this settlement be no longer dependent on the High Regency at Batavia nor upon any commercial body whatsoever; the constitution has abolished all particular privileges of that nature, and the inhabitants of the Colony of the Cape will know in future no other government but that which the Batavian people have appointed over themselves." The Cape remained under this government only three years, for in January, 1806, it was once more taken by British forces. The English remained in military occupation until 1814, when by the Treaty of London it was irrevocably handed over to Great Britain. In 1806 the colony comprised the greater portion of what is now the Cape Province, and was divided into six magisterial districts—namely, the Cape, Stellenbosch, Swellendam, Tulbagh, Graaff-Reinet, and Uitenhage. The first three were the oldest, and at each town or village of those names there was a church and a court of law.

In 1836 several of the colonists on the eastern

## 8 RECORDS FOR THE EARLY HISTORY

border of the colony, together with their families, began to migrate northward to those parts of South Africa now known as the Free State and the Transvaal. They were followed in subsequent years by others, and in course of time established the Free State and Transvaal Republics. They trekked from the colony in their tent-wagons, drawn by spans of from twelve to sixteen oxen, and entered a country which abounded in small and large game. Their great dexterity with the gun kept them provided with food. Many were the difficulties and trials encountered by these *voortrekkers*, or pioneers. In this way began the movement known as the Great Trek. A brief description of the two territories of which these people took possession and also an account of Natal may be found farther on.

### EARLY CONSTITUTION OF THE CAPE

A brief review of the constitution of the Cape will show the gradual growth of the parliamentary government. In the days of the Dutch East India Company the government was vested in a Governor and Council. The latter—the Council of Policy—consisted at the time of the arrival of van Riebeeck of a president, who was the head of the settlement, three members, who were skippers, and a secretary. Their early form of government was practically the same as was adopted on board each ship which formed part of any of the company's fleet sent to the Indies. Before leaving Holland a commander was appointed to each vessel, and he formed a member of the General or Broad Council of the whole squadron. When other vessels of the company arrived in Table Bay,

their principal officers and those of the Cape formed the Broad Council. The highest official in rank took the president's chair, whether he was the commander of this station or amongst the visiting officers. Later on this council was designated as the Council of Policy, and regulated its proceedings according to the Statutes of Batavia. At first it acted in an administrative, legislative, and judicial capacity, but in 1732 instructions were issued that judicial matters were to be considered by the Court of Justice. In 1685 the Council of Policy was considerably enlarged. Seats were assigned to the Commander, afterwards raised to the rank of Governor, the two military officers highest in rank, the Fiscal (or Attorney-General), Treasurer, the chief salesman, and the garrison bookkeeper. The number was not again altered during the régime of the company. The burghers or citizens of the Colony never sat as members, and were thus excluded from participating in the legislative body of the country. This Council made laws for the internal administration of the Colony, levied taxes, appointed the servants of the company to civil situations, and granted lands in freehold and gave them out in lease. Copies of all its proceedings were sent to Holland and Batavia, and were subject to the veto of the authorities there.

Upon the surrender of the Cape to Great Britain in 1795 the powers exercised by the Governor and Council were vested in the British Governor alone, but the same forms of administration were continued until 1803, when it was handed over to the Batavian Republic. Until 1806 the executive and legislative functions were, as under the company, exercised by a Governor and a Council. Many of the regulations

## 10 RECORDS FOR THE EARLY HISTORY

framed during this short period for the executive, legislative, and administrative functions continued in force for some time after the Batavian Government had ceded the Cape, but were in the course of time modified or repealed by the British Government or by local authority. As in 1795, the powers of the Governor and Council were vested in the Governor after 1806. A change was made in 1825, when a Council of Advice was created to "advise and assist in the administration of the government." This comprised six members. All ordinances, public orders, and proclamations had to be submitted to this Council by the Governor, who, if he saw fit, could dissent from the opinion of the majority, but was required to report to the Secretary of State at the first opportunity and give an explanation of his action. None of the Council members were elected by the people, and its proceedings were conducted behind closed doors. This Council was superseded in 1834 by the Legislative Council, which consisted of the Governor, the officer next in command of the forces, the Secretary of the Government, the Treasurer-General, the Auditor-General, and the Attorney-General, together with not less than five and not more than seven leading inhabitants to be selected by the Governor. At the same time an Executive Council was constituted. The year 1853 saw a great change in the constitution of the Cape, for a Parliament was granted which was to consist of a Governor, an elective Legislative Council, and an elective House of Assembly. The Cape received a constitution far more liberal than that of any other colony except Canada, and of a more representative character than the people of Cape Colony had asked

for. This was the people's first opportunity of exercising a voice in the legislature of their country. So just over 201 years after the foundation of the Colony had been laid the legislature was a representative and elective body, but the ministers were still appointed by and responsible to the Crown. This form of government continued until 1872, when the country was granted responsible government, and came into line with the other self-ruling countries of the British Empire. From this date its future lay in the hands of the people themselves.

#### EVENTS FROM 1806 TO UNION (1910)

After 1806 events were happening outside the Cape Colony which in course of time had a great influence on the history of South Africa. In 1838 the territory now known as Natal Province, discovered in 1497 by Vasco da Gama, was occupied by emigrant farmers from the Cape Colony. These settlers formed a republic, but the British refused to acknowledge their independence, and in 1842 British troops took possession of this territory. A colonial government was established in 1845, and in 1856 was raised to the rank of a separate colony: up to this time it had been largely dependent on the Cape Government. Its affairs were administered by a Governor assisted by an Executive and Legislative Council. In 1893 Natal was given responsible government, and in place of the Legislative Council existing as previously a Legislative Council and a Legislative Assembly were constituted. Events north of the Orange River are, to some extent, connected with the history of the Cape Colony and Natal. The European popula-

tion here consisted of those emigrants who had left Natal between 1843 and 1845, when British authority was established there. In 1848 this territory—which was afterwards known as the Orange Free State—was taken under the sovereignty of Great Britain, but was abandoned in 1854, and the people residing between the Orange and Vaal Rivers were given their independence. The territory of the Transvaal was colonized by those of the older Dutch population who migrated from the Cape Colony in the Great Trek of 1836–37. In 1852 Great Britain recognized the independence of the Transvaal, but annexed the country in 1877 as a result of financial difficulties and trouble with the natives. Its independence was restored in 1881, though under British sovereignty, and three years later it was known as the South African Republic. The discovery of gold in the Transvaal in 1885 brought wealth to the country, and thousands of people streamed into the Republic. These new-comers soon began to agitate for political liberties. Friction arose between the immigrants, who were mostly British, and the Government as to the extension of franchise. In 1899 the Boer War broke out, and the Orange Free State and South African Republic, which had formed a close alliance with each other the previous year, were at war with Great Britain. As a result of this war the two Republics were annexed to the British Crown, the one under the name of the Transvaal and the other as the Orange River Colony. The administration of these two was carried on as for a Crown Colony until 1906, when the Transvaal received responsible government, the Orange River Colony receiving it the following year.



But a change of the utmost importance to South Africa was brought about by the unification of these four colonies. By the South Africa Act (1909) of the Imperial Parliament provision was made for the legislative union of the four self-governing colonies of South Africa, which are constituted as original Provinces of the Union under the names respectively of the Cape of Good Hope, Natal, Transvaal, and Orange Free State. The executive government is vested in the King (represented if necessary by a Governor-General) advised by an Executive Council. The legislative power is vested in a Parliament consisting of the King, a Senate, and a House of Assembly. Capetown is the parliamentary and Pretoria the administrative capital. In each province there is an Administrator, appointed by the Governor-General for five years, and a Provincial Council. The Provincial Committees and Councils have authority to deal with strictly local matters.

### THE CAPE RECORDS

As previously stated, by far the largest and most important records dealing with the early history of South Africa are those preserved at Capetown. They cover a period of more than two and a half centuries—namely, from 1652 to the date of the Union of South Africa in 1910—and embrace all the official papers of the old Cape Colony. They contain some of the most important and interesting documents relating to the history of this country. Besides having material in them for a constitutional history of the Cape of Good Hope, they contain many particulars of social conditions, finance, and legal pro-

## 14 RECORDS FOR THE EARLY HISTORY

cedure. Many countries have been so unfortunate as to lose important national muniments through fire, water, war, and age in the past generations, but the Cape has been rather more fortunate in that many of its most valuable documents have been preserved, despite the fact that some were destroyed (or taken and not returned) before their value was known. Up to 1811 these records were kept in the Castle of Good Hope, that seventeenth-century fortification which still connects the mother-city of South Africa with the early days of the Dutch settlement. All Government offices were housed in this castle, but in that year some of them were removed to a portion of the Government Slave Lodge (now the old Supreme Court Buildings), which had been partially converted into suitable quarters. The Colonial Office, which had the archives under its care, was housed here until some ten years later, when it was removed to a building situated between what is now the old Supreme Court Buildings and the Parliament House. Here they remained until placed some time later in the care of the Treasury, and in 1876 the first Archives Commission found them in one of the Judges' Chambers. This Commission had been appointed by the Governor "to collect, examine, classify, and index the archives of the Colony." They were removed to a fireproof safe in the Surveyor-General's office. About 1886, when the Houses of Parliament had been completed, they were removed to the basement of that building, where they still remain. Departmental records of the last century and more recent date are kept in fireproof vaults in the basement of the New Law Courts, Queen Victoria Street. They number roughly about

30,000 volumes of manuscript. I shall first deal with the records previous to 1806, falling under the headings—The Council of Policy; the Court of Justice; the Orphan Chamber; Departments of the first British Occupation; Departments of the Batavian Republic. A fuller account of the various documents in the Cape Archives will be found in the publication issued a few years ago, "A Brief Guide to the Various Classes of Records in the Cape Archives, 1652–1806," by C. Graham Botha (Capetown, 1917).

### THE COUNCIL OF POLICY (1652–1795)

This body has been referred to on a previous page. It was the chief medium through which all the transactions of the Government were carried out, and the secretary, as its permanent head, dealt with all matters passing through its hands. The greater number and more important records were under his custody. He was the forerunner of the Colonial Secretary of the nineteenth century. The resolutions of the Council of Policy form one of the most important portions of the records. While they contain matters relating to shipping and the minor interests of the Dutch East India Company, there are debates and resolutions on subjects of the utmost importance regarding the colonists, the growth of the Colony, and its general history, which are of permanent value. The most important series of letters received and dispatched contain the official correspondence from and to the Seventeen, or directorate of the company in Holland, Governor-General and Council at Batavia, Governors and heads of the various stations and factories of the company,

principal officers of the ships calling at the Cape, local bodies and boards, officials, and private persons. The diary or journal of passing events at the Cape station contains a mass of information not to be found elsewhere. Every station or factory from Batavia to the smallest place kept a journal of what happened in the Government. The matters recorded are varied, such as arrivals and departures of ships, strangers, or persons of note, weather conditions, local incidents, transactions with natives, reports of parties sent out on exploring expeditions, outstanding events affecting a locality or the whole community, and many other particulars too numerous to mention. Reference is found to the visits of such men as Lord Clive, Admiral Edward Boscawen, Captain James Cook, Kerguelen, Governor Harrison, etc. From time to time the Dutch East India Company appointed Commissioners to visit their possessions in the East Indies and dependencies, such as the Cape, and examine into the affairs of the company. They were instructed to adjust any abuses and report on their inspection. These Commissioners were sometimes given extensive powers and authority to make such alterations as were necessary for the welfare of the community and the interests of the company. The reports of this nature which exist in the Cape archives are very interesting, and form valuable material for the history of the Cape. A very important series of documents under this period for historical purposes are those known as "Instructions and Commissions." They contain instructions from the head of the Cape Government to various officials, whether in the offices or as heads of expeditions for different objects,

such as cattle barter, exploration or search for wrecks or wrecked mariners, coast survey, etc. It was customary for each Commissioner who visited the Cape to hand to the Governor on his departure written instructions for observation relating to the Government, its officials, and the colonists.

Many documents relate to the burghers of the Colony. The main distinctions between the burghers and the company's servants were that the former could possess land hereditarily and carry on certain trades, but could be taken back into the Company's service if they misbehaved themselves and be sent to any other station. The latter could neither hold land nor trade, and when the exigencies of the company required it could be sent to any of their possessions. Every male burgher between sixteen and sixty years of age had to inscribe himself on the roll of burghers, and come up once a year for a week of military training. There are a great number of volumes and papers referring to the company's servants. These men were under the jurisdiction of the States-General as their lawful Sovereign and the Seventeen as their immediate chiefs. A code of regulations—called the "Artikel Brief"—was drawn up by the States-General for the company. This regulated its affairs, protected its rights, and laid down rules for the maintenance of order. It also regulated the discipline of the men and dealt with punishments, scale of wages, compensation for loss of limb, and practically everything affecting a servant while with the company. A very useful series of documents for material on the social history of the Cape are the memorials or petitions to the Governor and Council of Policy from company

## 18 RECORDS FOR THE EARLY HISTORY

servants, private persons, public boards, church councils, courts of law, etc., on a great variety of topics.

### THE COURT OF JUSTICE (1656-1828)

This series is valuable as it embodies much of the early legal procedure at the Cape. Up to 1656 the Council of Policy dealt with judicial matters, but the Court of Justice was established in this year, consisting of the Commander or Head of the Settlement, and five members. In 1685 the number was increased and the members were the Governor, Vice-Governor, and eight others. No radical change was made until 1786, when there were six servants of the company and six Burgher Councillors representing the citizens, all under the presidency of a member of the Council of Policy. Changes were subsequently made in the number, and after 1795 the distinction between company servants and burghers was eliminated. The Court had jurisdiction in cases of possession, matrimony, in actions brought either by or against receivers of public revenue or public boards, in deciding questions of jurisdiction between the different districts of the Colony, in cases of prize or booty captured in war by Dutch vessels or sailing under commission of marque, and finally, in actions between inhabitants of the Colony and masters of ships, seamen, and passengers belonging to any ships anchored in the Cape roadsteads or bays without any exception whatever. Up to 1795 it was an appeal court to the inferior courts of the Colony, and appeal from its sentences was made to the Court of Justice at Batavia. In 1797 the British Governor was vested with an

appellate jurisdiction in cases exceeding £200 in dispute, and if the amount was over £500 a further appeal lay to the King in Council. In 1803 appeals had to be carried to the National Supreme Court at The Hague, and after 1806 the 1797 procedure was re-established. In civil cases the opinions and grounds upon which the decision of the Court was based were not declared in public, nor was there a summing up as is done to-day. The verdict was given by ballot in a criminal prosecution, which in the case of murder had to be given by a majority of votes. The members or judges sat as judge and jury combined, and the deliberations of the Court were *foribus clausis*, but the Court was open when judgment or sentence was given. After 1813 the proceedings in the law courts were held with open doors. The records of this Court are very interesting and useful. There are the civil and criminal cases, with their annexures, documents relating to prisoners, correspondence, petitions presented to the Court, statute books, and vendue rolls. The latter was a complete roll of the sale of effects of the judgment debtor or such property as the Court had directed to be sold. Cash was not always paid on the day of sale, but the Court messenger went around later on to collect the amounts due.

#### THE ORPHAN CHAMBER (1673-1833)

This office of the Government service was established about 1673. It originated through the early necessity of making provision for the collection and administration of the property of persons who died intestate and left heirs absent from the Colony or

under age, and therefore unable to take the duty upon themselves. Its principal duties were: (1) The administration of the estates of persons dying intestate in the Colony or on the voyage and leaving absent or minor heirs, also estates of those who had not excluded the Orphan Masters in their wills, or had specially appointed them even when their heirs were majors and resident there; (2) the registration of wills of deceased persons; (3) the administration of minors' property; (4) receiving and paying to present or absent claimants the portions or legacies due to them; (5) the keeping of a death register or record of those who died at the Cape. From the resolutions sent from time to time by the Government to the Orphan Masters it would appear that they were given nearly the same portion of authority and jurisdiction in testamentary matters as was exercised in earlier times by the Spiritual Courts in England. The important series of records in this department are the wills proved, death registers, inventories of deceased estates, and the liquidation and distribution accounts, with the annexures to the latter. The whole collection is most valuable, and, apart from the genealogical information it contains, much data from a social and economic point of view can be obtained from the vouchers for accounts paid, private correspondence found in estate papers, papers having reference to money matters, memo books, diaries, ledgers, etc. In 1833 the duties of the Orphan Masters Board were transferred to a newly created officer, the Master of the Supreme Court, under whose custody the records from 1834 are preserved.



DEPARTMENTS OF THE FIRST BRITISH  
OCCUPATION (1795-1803)

On the 16th of September, 1795, the officials of the Dutch East India Company capitulated to the arms of Great Britain. The general policy of the Dutch underwent some changes, but the same forms of administration were carried on until 1803. During this period several new departments were created, and some of the old régime were carried on under new titles. A new office of Secretary to Government was created, and this official virtually took over the duties performed by the Secretary of the Council of Policy. The principal records of this period are the letters received and dispatched by the various departments of the Government, also the many petitions sent in on a variety of subjects. Of the official dispatches between the Governor and Secretary of State only a few exist, those between 1795 and 1797. These are copies of the dispatches to the Secretary of State. They contain, however, very interesting returns relating to revenue and expenditure, census, capital punishment, extracts of Royal Instructions to the Governor, etc. The most important series of dispatches is wanting, because these documents were taken to England when the Cape was handed over to the Batavian Republic in 1803. Fortunately, copies of both the inward and outward dispatches have been transcribed and printed in Theal's "Records of Cape Colony." This series contains the original signatures of the people of Cape Colony who took the oath of allegiance to King George III.

DEPARTMENTS OF THE BATAVIAN REPUBLIC  
(1803-1806)

By the Treaty of Amiens the Cape was restored to the Dutch, the Dutch East India Company having ceased to exist towards the end of the eighteenth century. It was intended that the Cape should be granted a charter approved of by the States-General. Mr. J. A. de Mist, member of the Department for Indian Affairs of the Batavian Republic, was sent out as Commissioner-General to receive the Cape from the British. He was vested with the power of making new laws, regulating the administration of the Government at the Cape, and of drawing up the charter. The regulations were, however, to be only provisional in character, and were to be transmitted to Holland before promulgation. It was intended that they should be incorporated in the charter. Before these could be considered the Cape was taken by the British in 1806. While the time between the issue of the regulations and the surrender did not permit the issue of the charter, yet the provisional instructions were observed for many years after 1806 until repealed or amended. The resolutions of the Council of Policy—the legislative body of this short period—are complete and very fully kept. A copy of every memorial, letter, or report debated on is inserted in the original. The correspondence is to and from public officials and private individuals, and of the dispatches only copies of those sent to the authorities in Holland and officials at Batavia. The various instructions issued to Government officials and departments are important and interesting, as are also the petitions sent in to the Government. The

minutes and letters, and especially the report on the Cape drawn up in 1802 by de Mist, are most valuable. The report relates to historical and geographical facts of the Cape, population, religion, education, agriculture, wines, political government, commerce, slaves, natives, military matters, finance, and the administration of everything dealing with the East India trade. One of the volumes under this period contains the original signatures of British subjects who took the oath of allegiance to the Batavian Republic.

#### CAPE RECORDS FROM 1806

The documents after 1806 comprise those of the various departments created from time to time. Those belonging to the Colonial Office and its sub-branches form the principal collection. Since the grant of responsible government to the Cape in 1872 various departments of State have come into existence, as that of the Prime Minister, Departments of Native Affairs, Agriculture, etc. The office of the Colonial Secretary—formerly the Secretary to Government and in early days the Secretary to the Council of Policy—was the medium through which most of the Government work was performed. All departments communicated with it, memorials or petitions from private individuals and public bodies were addressed to this office. Apart from these ordinary domestic papers the most important and valuable records are the dispatches to and from the Secretary of State up to 1853. After this date the series continue in the records of the Governor of the Colony, which are also preserved in the archives. The policy of Great Britain with regard to South

Africa in general, including its native questions, is to be found in these records. The English student will be able to consult in the Public Record Office, London, the South African original and duplicate dispatches from the Secretary of State. In addition to these records there are also letters patent, commissions, royal instructions, treaties with natives, etc., maps, plans, and charts. There are other important records from the seventeenth century up to the present which are not in the archives, but under the custody of the heads of the departments to which they belong. These refer to early title-deeds of land grants, mortgages, and transfers of landed property. They are most valuable in many respects. The civil and criminal records of the Supreme Court of the Cape of Good Hope since 1828 are under the charge of the registrar of that Court.

The civil records of the Supreme Court, established in 1828, when the Court of Justice was abolished, consist of:

1. *Illiquid cases*—that is, cases in which summons has been issued for damages on account of injuries received, for breach of contract, for declaration of rights, for divorce on the grounds of desertion or adultery, for specific performance of an agreement, for a declaration in the case of an alleged lunatic on the ground of sanity or otherwise, for an appeal against a magistrate's judgment on a case based on any of the foregoing grounds, for the interpretation of wills, and in fact all cases in which it is considered necessary to hear oral evidence before the Court.

2. *Provisional cases*: these are cases in which a summary judgment is sought to be obtained—

without the necessity of hearing witnesses—on liquid claims, such as a mortgage bond (when interest is overdue and cannot be obtained), promissory notes, acknowledgment of debts, and in fact all cases in which summonses have been issued on documentary evidence that the money is due; included in this category are summonses for decrees of civil imprisonment which are granted on proof being given that the debtor wilfully refuses to meet his just dues, but such decrees are more often than not suspended on condition that the debtor liquidates the debt by periodical payments.

3. *Motions*: consisting of petitions of all descriptions in which money or the above-mentioned claims are not involved, and under these are included applications for the admission of barristers, attorneys, notaries, conveyancers, and translators, appointments of trustees in insolvent estates and others, applications to sue in any case before the Court *in forma pauperis*, etc., and appeals from the magistrates' courts in criminal cases.

4. *Protocols*—that is, the records of notaries of all matters dealt with by them, and who have since died or left the Province. These records date back to about 1820.

The records of the Court date back to the year 1656, at which time no distinction was drawn or classification made of the different classes of cases, but in 1814 trial cases or all cases (1 and 2 above) in which summonses were issued were distinguished from matters brought before the Court on petition or on notice of motion. Cases 1 and 2 were again separated in 1828.

## PARLIAMENTARY RECORDS

Of the parliamentary records of Natal, the Transvaal, and the Orange Free State, only the manuscript annexures of the Transvaal are stored in the House of Assembly in Capetown. The other parliamentary records of these colonies are in the hands of the provincial authorities at Pietermaritzburg, Pretoria, and Bloemfontein. The records of the late Cape Parliament are preserved in the Houses of Parliament at Capetown. The official records of the Cape House of Assembly may be divided into four classes—viz., (1) Manuscript records, (2) printed records bound, (3) printed records unbound, (4) plans, etc., lodged in connection with private bills.

1. *Manuscript Records*.—(a) Petitions, 1854–1910; (b) Annexures—i.e., documents (including printed reports, etc.) laid on the table of the House, 1854–1910. There is no index to the Petitions beyond a summary printed at the beginning of the Votes and Proceedings for each year.

2. *Printed Records\* Bound*.—(a) Votes and Proceedings, 1854–1910; (b) Printed Annexures to the Votes and Proceedings (i.e., Government reports and papers, and returns ordered to be printed by the House of Assembly), 1854–1910; (c) Select Committee Reports, 1854–1910.

3. *Printed Records Unbound*.—These comprise loose copies of almost all of the printed records, as well as loose copies of Bills and Acts of Parliament.

4. *Private Bill plans, etc.*, deposited from time to time, 1869–1910.†

\* It is probable that copies of these will be found in the British Museum or Colonial Office, London.

† A general index to all documents except Petitions has been issued in three volumes.

## OTHER SOURCES OF MATERIAL

The official manuscript records are the most ample sources of our history and the best evidence of the progress of our civilization, of the growth of our institutions, and the manners and customs of the people. But where these are not available, or are silent on any point, we must resort to other means. Such will be found in the writings of early travellers and those who visited this country and left their impressions in book form. From such means we are able to obtain information which cannot be had from any other source. Then there are Blue books, both those of the Cape Parliament since 1854 and Imperial Blue books on South African affairs. Copies of these can no doubt be found in the British Museum Library. For those who desire to consult a précis of certain portions of the Cape archives, as well as verbatim copies, the following list may prove useful. They should also be found in the above library.

LIST OF PUBLICATIONS RELATING TO DOCUMENTS  
IN THE CAPE ARCHIVES

*D. Moodie :*

The record of a series of official papers relative to the conditions and treatment of the natives of South Africa. Published 1838. Part I., 1649-1720; Part II., 1769-1795; Part III., 1808-1819.

List of documents relating to Kafirs, 1737-1812. 1836.

List of documents relating to Bushmen, 1769-1812. 1836.

*Geo. McCall Theal, LL.D., Litt.D.:*

Catalogue of Documents from 16th September, 1795, to 21st February, 1803, in the Collection of Colonial Archives at Capetown. 1880.

Abstract of the Debates and Resolutions of the Council of Policy at the Cape, from 1651 to 1687. 1881.

Belangryke Historische Dokumenten verzameld in de Kaap Kolonie en elders. 1896. Volume I., Instuctie van den Commissaris Hendrik Adriaan van Reede, 1685. Verscheidene dokumenten betrekking hebbende tot den oproermaker Estienne Barbier, 1739. Reis van den Gouverneur Joachim van Plettenberg, 1778. Volume II., The Antiquity of Man in South Africa. Bushman Paintings. Reis naar Delagoa Baai in 1688. Reisen naar Inhambane in 1732 en 1733. Reis van den Vaandrig Beutler, 1752. Reis naar Inhambane, 1770. Volume III., published 1911. This volume contains copies of documents in Europe. The following is in the archives: Dagverhaal der Reis en Verrichtingen van leden uit de Commissie van Veeteelt en Landbouw in de beide Roggeveld, den Hantam, enz.

Records of Cape Colony, 1793 to 1827, in 35 volumes. Volumes I. to V. contain the period 1793 to 1806. A most valuable series for the historical student.

*Rev. H. C. V. Leibrandt:*

“Précis of the Archives” Series.

The Defence of Willem Adriaan van der Stel. 1897.

Resolutien van den Commandeur en Raden van the Fort de Goede Hoop, 1652-1662. 1898.



Journal, 1651-1662, 3 volumes. 1897.

Journal, 1662-1670. 1901.

Journal, 1671-1674 and 1676. 1902.

Journal, 1699-1732. 1896.

Letters Received, 1649-1662. 1898.

Letters Received, 1649-1662. 1899.

The last two volumes contain a transcript of the original Dutch with an English translation. Volume II. also contains the following: Instructions left by the Hon. Ryckloff van Goens, Sr., 1657; Memorandum by Joan Cuneus for the Hon. Commander Johan van Riebeeck, by which he shall regulate himself for the future, 18th March, 1658; Memorandum by Pieter Sterthemius for the same, to serve for his guidance until further orders from Home, 12th March, 1660; Report of the Commissioner Ryckloff van Goens, 16th April, 1657; Report of Commissioner Ryckloff van Goens, 27th March, 1657; Report of Commissioner Andriës Frisius, 4th July, 1661; Proclamations issued by Commander Johan van Riebeeck and Council, 9th April, 1652, to 18th December, 1661.

Letters Received, 1695-1708. 1896.

Letters Dispatched, 1652-1662. 3 volumes, Dutch and English, 1900.

Volume III. also contains the following: Van Riebeeck's Instruction for Commander Z. Wagenaer; Memorandum of conditions made with the Freeman, 1657; Letters of Freedom, 1657-1662; List of Freeman, 1660-1662; Muster Roll of the Officers, Soldiers, and Sailors at the Fort of Good Hope, 1656-1662; List of Persons who died in the Fort of Good Hope, 1655-1662; Title-deeds issued, 1657-1662; Journal to Tristan da Cunha, 1655-1656; Attestations, Declarations, and Affidavits, 1652-1665.

## 30 RECORDS FOR THE EARLY HISTORY

Letters Dispatched, 1696-1708. 1896.

Requesten, or Memorials, A-E, 1715-1806. 1905.

Requesten, or Memorials, F-O, 1715-1806. 1906.

### *A. van Pallandt :*

General remarks on the Cape of Good Hope, 1803. Translated from the French and printed for the Trustees, South African Public Library, 1917.

Reports on the Cape by Governor de Chavonnes and his Council, 1717; and Governor-General Baron van Imhoff, 1743. Printed by the van Riebeeck Society, Capetown, 1918.

### TRANSVAAL ARCHIVES

The Transvaal Archives at present stored in the Archives Depot at Pretoria consist of the Volksraad Minutes from 14th May, 1839 (session at Pietermaritzburg), up to 1890 (almost complete): First Volksraad and Second Volksraad Minutes from 1891 to 1900 (complete); Executive Council Resolutions from 1858 to 1899 (almost complete).

The pre-war papers and records (not altogether complete) of the late State Secretary's Department, Commandant-General's Department, Superintendent of Natives' Department, Attorney-General's (Staats-procureur's) Department, Treasurer's Department, Education Department, Public Works Department, and of the following districts (mostly incomplete): Bloemhof, Ermelo, Heidelberg, Krugersdorp, Litchenburg, Lydenburg, Marico, Potchefstroom, Pretoria, Standerton, Utrecht, Vryheid, Wakkerstroom, Waterberg, and Zoutpansberg. Further, the archives (also incomplete) of the Boksburg,

Heidelberg, Johannesburg, Krugersdorp, and Lydenburg Goldfields.

Very interesting are the archives of the former Republic of Lydenburg, 1856-1860, consisting of Volksraad and Executive Council Resolutions with Indexes (complete) and some letters received; of the "Nieuwe Republiek," 1884-1888 (now the district of Vryheid), consisting of Volksraad and Executive Council Resolutions, with indexes, complete; of letter-books, letters received, land and *erven* registers, tax registers, etc., almost complete. Of the separate administration of Utrecht (for a few years a republic in name), which was united with the Republic of Lydenburg on 8th May, 1858, very few documents remain. Of the separate administration of Zoutpansberg, which also existed for a few years and accepted the Constitution of 1858 (Grondwet) of the South African Republic in the same year, we have no records.

In April, 1860, a Treaty of Union was confirmed in combined session of both "Volksraaden" of the South African Republic and the Republic of Lydenburg, so that from that month the division of the Transvaal into separate republics ceased. The archives papers and records (incomplete) of Stellaland and Land Goosen are also kept there. The earliest papers (many of a private nature) of the Transvaal archives are bound together in a volume containing papers dated between the years 1829 and 1849. A recent discovery of much interest is the original treaty with Panda, King of the Zulus.

## THE NATAL ARCHIVES

In Natal are the records of the former Colonial Secretary's office, which consist of the official correspondence of the Government, other than that which was preserved in the Governor's office, from 1845 onwards. There are also the records of the Executive Council of Natal from the date when responsible government was established in 1894 to the date of Union, and of Health, Immigration, Treasury, and Stamps Departments, as well as files, practically complete, of all newspapers published in Natal (commencing with the *Natalier* in 1844), which form a valuable and interesting collection.

## THE ORANGE FREE STATE ARCHIVES

In the Orange Free State the archives are in very fair condition, considering that most of them were hurriedly saved when the Government Buildings were destroyed by fire several years ago. The more important records of the Government of the Orange Free State Republic are kept in the basement of the Raadzaal at Bloemfontein. These comprise the papers of some of the State departments before 1899.



# TEXTS FOR STUDENTS.

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